

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:3432
ANSWERED ON:07.09.2007
ELECTION CASES PENDING UNDER R. P. ACT
Francis George Shri K.

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether several cases relating to conducting of elections under Representation of the Peoples Act, are pending in the Supreme Court of India;
- (b) if so, the details thereof with the period of such pendency;
- (c) whether there is time limit of six months for the disposal of election cases in the High Courts but there is no such time limit in the Supreme Court of India; and
- (d) if so, the steps taken/being taken by the Government to make suitable amendments in the Representation of the Peoples Act, to settle election cases within a reasonable time frame in the Supreme Court to better serve the actual purpose of the law?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY)

- (a) Yes, Sir.
- (b) A Statement showing details of Court cases on the basis of the information provided by the Election Commission is laid on the Table of the House.
- (c) Disputes regarding elections are dealt with under Part VI of the Representation of the People Act, 1951. Chapters III and IVA deal with trial of election petitions and appeals, respectively. As per section 86(7) of the Representation of the People Act, 1951, every election petition shall be tried as expeditiously as possible and endeavor shall be made to conclude the trial within six months from the date on which the election petition is presented to the High Court for trial. On any question (whether of law or of fact) from every order made by a High Court in an election petition, an appeal shall lie to the Supreme Court under section 116A of the Representation of the People Act, 1951. There is no such time limit in the Supreme Court for the disposal of election cases.
- (d) There is no such proposal under consideration with the Government for making any change in the existing position in this regard.